

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Official
Art

Attorney Docket No. 018734/0161

#12

In re patent application of

11/14/00

Thomas M. BEHR et al.

Serial No. 09/200,791

Group Art Unit: 1642

Filed: November 30, 1998

Examiner: A. Holleran

For: METHODS OF REDUCED RENAL UPTAKE OF PROTEIN CONJUGATES

Terminal DisclaimerAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Your Petitioner, CENTER FOR MOLECULAR MEDICINE AND IMMUNOLOGY represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/200,791 (the above-identified application), filed November 30, 1998, which is a Continuation-In-Part of U.S. Patent Application Serial No. 08/407,899, filed March 21, 1995, now U.S. Patent No. 5,843,894 by virtue of an Assignment filed and recorded on March 15, 1999, on Reel 9836, Frame 0478, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Your Petitioner also represents that it is the owner of U.S. Patent No. 5,813,894, which issued on U.S. Patent Application Serial No. 08/407,899, filed March 21, 1995, by virtue of an Assignment filed and recorded on September 20, 1995, on Reel 7635, Frame 0873, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, CENTER FOR MOLECULAR MEDICINE AND IMMUNOLOGY, hereby disclaims the terminal part of the term of any patent granted on

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the above-identified application which would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,843,894, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,843,894, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified application, prior to the full statutory term of U.S. Patent No. 5,843,894 as defined in 35 U.S.C. §§ 154-156 and 173, in the event that U.S. Patent No. 5,843,894 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise deemed not to provide the rights conveyed by 35 U.S.C. § 154 prior to the full statutory term of U.S. Patent No. 5,843,894 as defined in 35 U.S.C. §§ 154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any extension or restoration of term relating to any patent granted on the above-identified application, which extension or restoration is effected under 35 U.S.C. §§ 155, 155A or 156 or any other applicable statute.

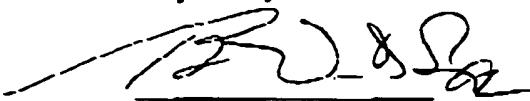
The undersigned, being the Attorney of Record for the above-identified application and duly authorized to act on behalf of Petitioner, certifies that he/she has reviewed the Assignment(s) described above, and to the best of his/her knowledge and belief, legal title in the above-identified application rests with Petitioner.

The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Nov. 13, 2000

Date



Bernhard D. Saxe

Reg. No. 28.665

FOLEY &ARDNER
3000 K Street, N.W., Suite 500
Washington, DC 20007-5109
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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

APPENDIX A



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Washington, D.C. 20231

JUNE 08, 1999

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FOLEY & LARDNER
BERNHARD D. SAXE
3000 K STREET, N.W., SUITE 500
WASHINGTON, DC 20007

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RECORDATION DATE: 03/15/1999

REEL/FRAME: 9836/0478
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BEHR, THOMAS M.

DOC DATE: 03/01/1999

ASSIGNOR:

GOLDENBERG, DAVID M.

DOC DATE: 03/01/1999

ASSIGNEE:

CENTER FOR MOLECULAR MEDICINE AND
IMMUNOLOGY
ONE BRUCE STREET
NEWARK, NEW JERSEY 07103

SERIAL NUMBER: 09200791
PATENT NUMBER:

FILING DATE: 11/30/1998
ISSUE DATE:

9836/0478 PAGE 2

**MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS**

name and
address of
assignee

For \$500 and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto **Center for Molecular Medicine and Immunology**
One Bruce Street
Newark, New Jersey 07103-2763

title of
invention

(hereinafter **ASSIGNEE**) all right, title and interest for the United States, its territories and possessions in and to this invention relating to

METHODS FOR REDUCED RENAL UPTAKE OF PROTEIN CONJUGATES

as set forth in this United States Patent Application

check one

executed concurrently herewith
 executed on _____
 Serial No. 09/200,791 Filed November 30, 1998

in and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application, or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said **ASSIGNEE**, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said **ASSIGNEE**, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he will communicate to said **ASSIGNEE**, its successors, legal representatives or assigns all information known to him relating to said invention or patent application and that he will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said **ASSIGNEE**, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said **ASSIGNEE**, its successors, or assigns or to assist said **ASSIGNEE**, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER** the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Thomas M. BEHR	Signature: 	Date:
Name: David M. GOLDENBERG	Signature: 	Date: 3-1-99
Name:	Signature:	Date:
Name:	Signature:	Date:

NAMES AND SIGNATURES OF WITNESSES		
Name:	Signature:	Date:
Name:	Signature:	Date:

Note: *Prima facie* evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

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ASSIGNMENT

U.S. Rights Only or Joint

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto **Center for Molecular Medicine and Immunology**
One Bruce Street
Newark, New Jersey 07103-2783

Name and
address of
assignee

(hereinafter **ASSIGNEE**) all right, title and interest for the United States, its territories and possessions in and to the invention relating to

use of
invention

METHODS FOR REDUCED RENAL UPTAKE OF PROTEIN CONJUGATES

as set forth in this United States Patent Application

check one

executed concurrently herewith
 executed on _____

 Serial No. 09/700,781 Filed November 30, 1998

In and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all relatives or extensions thereof, to be held and enjoyed by said **ASSIGNEE**, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said **ASSIGNEE**, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to give and deliver all information known to him relating to said invention by himself and without any and other than his own name and address, and to do any and all acts necessary to be done in connection therewith, and perform all other acts necessary to be done in connection therewith, to said **ASSIGNEE**, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations, and to any and all Letters Patent which may be granted therefor or thereon, including relatives or extensions, in said **ASSIGNEE**, its successors, or assigns or to assist said **ASSIGNEE**, its successors, legal representatives or assigns in obtaining, retaining or enforcing Letters Patent of the United States for said invention;

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NAMES AND SIGNATURES OF INVENTORS

Name: <u>Thomas M. REIN</u>	Signature: <u>Thomas M. Rein</u>	Date: _____
Name: <u>David M. GOLDENBERG</u>	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____
NAMES AND SIGNATURES OF WITNESSES		
Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____

NOTE: Public Notary Acknowledgment may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

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APPENDIX B

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Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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BERNHARD D. SAXE, ESQ.
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3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007-5109



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RECORDATION DATE: 09/20/1995

REEL/FRAME: 7635/0873
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BEHR, THOMAS M.

DOC DATE: 06/30/1995

ASSIGNOR:

GOLDENBERG, DAVID M.

DOC DATE: 06/30/1995

ASSIGNEE:

CENTER FOR MOLECULAR MEDICINE AND IMMUNOLOGY
ONE BRUCE STREET
NEWARK, NEW JERSEY 07103-2763

SERIAL NUMBER: 08407899

FILING DATE: 03/21/1995
ISSUE DATE:

JACQUELINE MOORE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

Center for Molecular Medicine and Immunology
One Bruce Street
Newark, New Jersey 07103-2763

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

METHODS FOR REDUCED RENAL UPTAKE OF ANTIBODY FRAGMENTS

as set forth in his United States Patent Application

— executed concurrently herewith
— executed on _____
XX Serial No. 66/407,895 filed March 21, 1995

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify in any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Thomas M. Bahr	Signature: <i>Thomas M. Bahr</i>	Date: 6/10/95
Name: David M. Goldenberg	Signature: <i>David M. Goldenberg</i>	Date: 6-30-95
Name: _____	Signature: _____	Date: _____

NAMES AND SIGNATURES OF WITNESSES		
Name: L.J.S. A. Gilliland	Signature: <i>L.J.S. A. Gilliland</i>	Date: 6/30/95
Name: <i>Mark P. H. Nease</i>	Signature: <i>Mark P. H. Nease</i>	Date: 6/30/95

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(Rev. 6-92)

OMB No. 0651-0011 (exp. 4/94)



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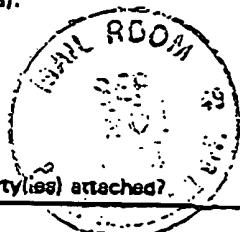
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Patent and Trademark Office

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1. Name of conveying party(ies):

Thomas M. REHR
David M. GOLDENBERG

Additional name(s) of conveying party(ies) attached?

3. Nature of conveyance:

Assignment
 Security Agreement
 Other

Merger
 Change of Name

Execution Date: June 30, 1995

2. Name and address of receiving party(ies):

Name: Center for Molecular Medicine and Immunology

Internal Address:

Street Address: One Bruce StreetCity: Newark, State: New Jersey ZIP: 07103-2763Additional name(s) & address(es) attached? No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: N/A

A. Patent Application No.(s)

08/407,899

B. Patent No.(s)

Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: EDLEY & LARDNERInternal Address: Bernhard D. Saxe, Esq.Street Address: 3000 K Street, N.W., Suite 500City: Washington, State: D.C. ZIP: 20007-51096. Total number of applications and patents involved: One7. Total fee (37 C.F.R. § 3.41) \$40.00 Enclosed Authorized to be charged to deposit account8. Deposit account number: 19-0741

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Bernhard D. Saxe
Name of Person Signing

Signature
September 12, 1995
DateTotal number of pages including cover sheet, attachments, and document: 2

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